

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE 1:22-CV-23002-CIV-RNS**

CATERPILLAR FINANCIAL SERVICES
CORPORATION,

Plaintiff,

v.

VENEQUIP MACHINERY SALES
CORPORATION,

Defendant.

PLAINTIFF’S NOTICE OF APPEAL

Notice is hereby given that Plaintiff Caterpillar Financial Services Corp., by and through its undersigned counsel, hereby appeals to the United States Court of Appeals for the Eleventh Circuit from: (1) the July 13, 2023 “Order Adopting in Part Report and Recommendation” (ECF No. 52, entered on July 14, 2023) dismissing Plaintiff’s complaint with prejudice; and (ii) the November 29, 2023 “Order denying Motion to Alter or Amend Judgment, or in the Alternative, for Relief from Judgment” (ECF No. 59, entered on November 29, 2023) denying Plaintiff’s motion for reconsideration of that dismissal with prejudice and for leave to amend its complaint.

Dated: December 28, 2023

Respectfully submitted,

KIRKLAND & ELLIS LLP

By: */s/ Brendan E. Ryan*

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Counsel for Plaintiff Caterpillar Financial Services Corp.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on December 28, 2023, I authorized the electronic filing of the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the email addresses of all counsel of record.

Dated: December 28, 2023

/s/ Brendan E. Ryan

Brendan E. Ryan